

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COVENTRY HEALTH CARE OF
NEBRASKA, INC., D/B/A AETNA BETTER
HEALTH OF NEBRASKA, a Nebraska
Domestic Corporation,

Plaintiff,

v.

The NEBRASKA DEPARTMENT OF
ADMINISTRATIVE SERVICES; the
NEBRASKA DEPARTMENT OF HEALTH
& HUMAN SERVICES; DOUG PETERSON,
in his official capacity as ATTORNEY
GENERAL OF THE STATE OF
NEBRASKA; BYRON DIAMOND, in his
official capacity as DIRECTOR,
DEPARTMENT OF ADMINISTRATIVE
SERVICES; COURTNEY PHILLIPS, CEO
OF THE DEPARTMENT OF HEALTH &
HUMAN SERVICES; CALDER LYNCH, in
his official capacity as DIRECTOR OF THE
DEPARTMENT OF HEALTH & HUMAN
SERVICES DIVISION OF MEDICAID AND
LONG-TERM CARE; BO BOTELHO, in his
official capacity as ACTING MATERIAL
DIVISION ADMINISTRATOR,

Defendants.

and

WELLCARE OF NEBRASKA, INC.;
NEBRASKA TOTAL CARE, INC.; and
UNITEDHEALTHCARE OF THE
MIDLANDS, INC.;

Intervenors.

Case No.: 4:16-cv-03094

**PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE PURSUANT TO FED. R.
CIV. P. 41(A)(1)(A)**

Plaintiff Coventry Health Care of Nebraska, Inc., d/b/a Aetna Better Health of Nebraska (“Plaintiff”), pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, submits this Notice of Voluntary Dismissal Without Prejudice as to all claims asserted in Plaintiff’s Complaint, which was removed to this Court by Defendants (Doc. 1). Because none of Defendants or Intervenors has filed an answer or a motion for summary judgment, voluntary dismissal without prejudice is proper under Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure. *See Miller v. Wayne*, No. CIV. 14-4997 JRT/JSM, 2015 WL 2353021 at *1 (D. Minn. May 15, 2015) (motions to dismiss are not answers or motions for summary judgment precluding voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)).

WHEREFORE, pursuant to Fed. R. Civ. P. 41(a)(1)(A), Plaintiff hereby provides notice of its voluntary dismissal and respectfully requests the Court dismiss this action without prejudice.

Respectfully submitted this 26th day of August, 2016.

COVENTRY HEALTH CARE OF
NEBRASKA, INC., D/B/A AETNA
BETTER HEALTH OF NEBRASKA,
Plaintiff

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2016, I electronically filed the foregoing with the Clerk of the United States District Court for the District of Nebraska using the CM/ECF system, which caused notice of such filing to be served upon all counsel of record.

By /s/ Robert M. Slovek

Robert M. Slovek